

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:16CR63  
vs. ) ORDER  
GILBERT GOMEZ, SR., )  
MONICA GOMEZ and )  
MARTIN GOMEZ, )  
Defendant. )

This matter is before the court on the motion to continue by defendant Gilbert Gomez, Sr. (Filing No. 109). Gomez seeks a continuance of the trial of this matter was scheduled for January 9, 2017. Gomez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted as to all defendants remaining for trial.

## IT IS ORDERED:

1. Gomez's motion to continue trial (Filing No. 109) is granted.

2. Trial of this matter as to all defendants remaining for trial is re-scheduled for **March 6, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 22, 2016, and March 6, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel requires additional time to adequately prepare the case and the physical incapacity of Gilbert Gomez, Sr. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(7)(A) & (B) and 3161(h)(1)(A).

DATED this 22nd day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge